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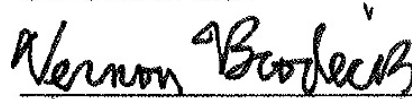
October 20, 2017

By ECF

Hon. Vernon S. Broderick
United States District Judge
United States Courthouse
40 Foley Square
New York, NY 10007

The parties shall have until November 10, 2017 to submit a joint letter addressing the topics set forth in the Court's September 30, 2017 Order, (Doc. 249). The parties are directed to meet and confer regarding the status of the case prior to submitting their joint letter. The status conference previously scheduled for October 27, 2017 is adjourned to November 17, 2017 at 10:30 a.m. in Courtroom 518, 40 Foley Square, New York, NY 10007.

SO ORDERED:



HON. VERNON S. BRODERICK 10/23/2017
UNITED STATES DISTRICT JUDGE

Re: *Am. Lecithin Co. et al. v. Rebmann, 12-cv-929 (VSB)*

Your Honor:

We represent Plaintiffs and Dr. Herbert Rebmann (the "Lipoid Parties") in this matter and write in response to the October 19, 2017 letter filed by Samuel Goldman, counsel for Defendant. In the letter, Mr. Goldman requests an adjournment of the October 27, 2017 status conference.

On October 19, 2017 at 11:32 a.m., Mr. Goldman's assistant sent me an e-mail containing the proposed language of a letter seeking an adjournment. While I am out of the office for the week, at 2:32 p.m. on October 19, I did respond that the Lipoid Parties do not consent to an adjournment, but that Mr. Goldman was free to unilaterally seek such relief from the Court. However, in his letter to the Court, Mr. Goldman represents that he was unable to reach me. As stated above, I did indeed respond. In fact, I responded shortly before his office filed Mr. Goldman's letter with the Court. We received the ECF notification at 2:37 p.m. yesterday.

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It bears noting that for more than a week, we have been attempting to contact Mr. Goldman through e-mail with a proposed draft of a joint letter to the Court outlining the status of this action. In total, we have made three attempts to reach Mr. Goldman. Yet, we have received no response at all. Furthermore, Mr. Goldman failed to contact Sherica Bryan, who is also counsel of record in this matter.

Given the foregoing, we request that the Court deny Mr. Goldman's request for an adjournment. Additionally, the Lipoid Parties unilaterally provide the following pursuant to the Court's order of September 30, 2017, addressing the designated topics.

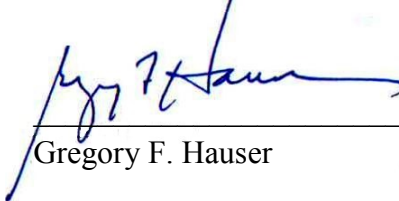
1. Status of discovery on Plaintiffs' original claims: This is largely complete, although Plaintiffs need document and deposition discovery as to the status of the domain names and emails to those domains over the last few years; Defendant's existing deposition testimony is from 2012.
2. Proposed schedule for completing discovery on the remaining counterclaims/third-party claims: The parties anticipate needing ninety days for document and other written discovery and another ninety days for depositions.
3. Status of settlement discussions: The last settlement discussions were before the recently decided motions to dismiss and, because the parties were far apart, were exceedingly brief. The Court's decision of September 30 greatly reduced the financial scope of the action, but the parties have not yet had the time to reconsider their positions on settlement.

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4. Other issues: The one remaining Third-party Defendant, Dr. Herbert Rebmann, would like to move for summary judgment (a) on the third-party claim for conversion on the grounds that (i) it was Lipoid Grundstuecks GmbH (the “Company”) as a company and not he that took Defendant’s shares, and (ii) under German law, Defendant’s exclusive remedy is an action against the Company, and (b) on the third-party claim for an appraisal and accounting on the ground that he has not been a shareholder or member of the Company’s board for years and does not have information pertaining to the value of Defendant’s former ten percent equity interest in the Company as of January 2013 when the Company withdrew that interest.

Respectfully yours,



Gregory F. Hauser

cc: Sherica R. Bryan
Counsel for Defendant